

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

TIMOTHY BURNSIDE,

Plaintiff,

v.

IOSCO COUNTY, and MICHAEL
BRIDSON, Iosco County Undersheriff,
and MICHAEL FISCHER, Iosco County
Sheriff, Jointly & Severally,

Defendants,

- and -

Case No. 05-10325- BC
Hon. David M. Lawson
Magistrate Charles E. Binder

CONSOLIDATED CASES

ANTHONY ENO,

Plaintiff,

v.

COUNTY OF IOSCO, MICHAEL FISCHER, and
MICHAEL BRIDSON,

Defendants.

Case No. 06-10955-BC

ORDER DENYING PLAINTIFF ENO'S MOTION TO QUASH SUBPOENA

The defendants in this case issued a subpoena to the Colorado Department of Labor and Employment seeking access to documents related to a claim for unemployment benefits previously made by plaintiff Eno against the town of Calhan, Colorado. The plaintiff Eno has filed a motion to quash the subpoena, citing Michigan Compiled Laws § 421.11(b)(1)(iii). That provision states, "Information obtained . . . pursuant to the administration of this act . . . shall be held confidential and shall not be disclosed" and "the information and determinations shall not be used in any action or proceeding before any court or administrative tribunal unless the commission is a party." Mich. Comp. Laws § 421.11(b)(1)(iii). This provision "clearly and unambiguously prohibits the use of

MESC [Michigan Employment Security Commission] information and determinations in subsequent civil proceedings unless the MESC is a party or complainant in the action.” *Nummer v. Treasury Dep’t*, 448 Mich. 534, 545, 533 N.W.2d 250, 254 (1995). However, the defendants here seek information from the Colorado Department of Labor and Employment, obtained by that agency pursuant to Colorado’s unemployment benefits laws. The statute cited by the plaintiff does not preclude the defendants from obtaining this information. Because the requested material is relevant, not privileged, and may lead to the discovery of admissible evidence, the motion will be denied.

Accordingly, it is **ORDERED** that the plaintiff Eno’s motion to quash [dkt ## 36, 37] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: August 14, 2006

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 14, 2006.

s/Tracy A. Jacobs
TRACY A. JACOBS